

REMARKS

The application has been amended and is believed to be in condition for allowance.

Applicants appreciate the Examiner having reviewed this amendment and conducting a telephone interview relating to the amended claims overcoming the prior art. It is noted that the specification need not be amended to include the foreign priority information and the ADS includes the foreign priority information.

Claims 1 and 27 were amended responsive to the Section 112 rejection. Withdrawal of this rejection is solicited.

Claim 21 was amended responsive to the claim objection.

Claims 1, 3, 4, 21 and 27 were rejected as anticipated by GACKA 4,815,666.

Claims 1, 3, 4, 6-8, 21, 22, 24 and 27 were rejected as anticipated by SULLIVAN 2002/0092521.

Claims 5-7 were rejected as obvious over GACKA in view of MARKUS 5,843,043.

Claims 5, 8, 22 and 24 were rejected as obvious over GACKA in view of FLAGG 1,507,475.

Claims 23, 25, 26 and 28 were rejected as obvious over GACKA and/or SULLIVAN.

Enclosed is a verified English-language translation of applicants' Swedish priority application filed July 25, 2000 in order to perfect applicants' claim of priority to the date.

Submission of this translation removes SULLIVAN as prior art. Withdrawal of the SULLIVAN rejections is therefore solicited.

Thus, claims 1, 3, 4, 21 and 27 were rejected as anticipated by GACKA; claims 5-7 in further view of MARKUS; claims 5, 8, 22 and 24 in further view of FLAGG; and claims 23, 25, 26 and 28 over GACKA.

The Official Action states that GACKA teaches an outlet portion (110) capable of use as a nasal sprayer, with an outlet end (118), a connection end (112), a nozzle shaped channel with a restriction portion, an outlet end portion (116), connection end with straight passageway (114) where the exterior of the enlarged circumference portion (118) is droplet shaped.

Applicants respectfully disagree.

GACKA discloses a powder spray gun for quick color changes systems. GACKA teaches a device that would discharge at a high air/gas flow unsuitable for use as a nasal sprayer. The annular spray that would result from GACKA is not suitable as a nasal rinser which would provide a soft, turbulent flow pleasant for a nostril to receive and also fill the cavity of the nostril. See the paragraph spanning pages 1-2 of the specification.

Note that the claimed invention is an outlet portion for a nasal rinser. To avoid the "capable of" argument, the claims have been amended to explicitly recite that the claimed

invention is an outlet portion is configured for use as an outlet portion of a nasal rinser.

GACKA makes no such disclosure, and, for that reason alone, the rejections should be withdrawn and the claims allowed.

Further differences are listed below:

Claim 1 recites in use, a liquid entering the connection end GACKA is not found to disclose acting on any liquid.

Claim 1 recites the liquid leaves the outlet end under turbulent flow so that the liquid fills out a nasal cavity while avoiding a jet spraying directly on a mucous membrane of the nasal cavity,. GACKA discloses a uniform stream (column 8, line 19).

Claim 1 recites the nozzle shaped channel is housed in an enlarged circumferential portion (12) shaped to seal against edges of an interior of a user's nostril. GACKA does not disclose any element shaped to seal as recited. Part 110 of GACKO would not seal as recited as would not even reach the nostril and would not seal against edges of an interior of the nostril.

Claim 1 recites that the connection end comprises an interior portion shaped to fit onto a conical tip. GACKA does not make this disclosure and rather provides a uniform diameter.

Claim 1 further recites that the connection end, the nozzle shaped channel, and the outlet end together define a

straight passageway extending through a longitudinal axis from the outlet end to the connection end. In GACKA the powder is provided from the side and therefore does not satisfy this limitation.

Claim 3 recites that an exterior of the enlarged circumference portion (12) is droplet or balloon shaped. GACKA portion 118 (Figure 3) does not present an exterior that is droplet or balloon shaped.

GACKA does not disclose, as per claim 4, the channel (4) being conically shaped at the connection end (3) and having a largest diameter at the connection end (3).

Again, as with claim 1, claim 6 recites a receptacle for rinsing liquid connected to the outlet portion (1). GACKA does not disclose being suitable for liquid.

The combination of GACKA and either of MARKUS and FLAGG is not viable as MARKUS and FLAGG are non-analogous art as to GACKA.

As to claims 23, 25, 26, and 28, the Official Action states that using silicone rubber as the material of the outlet portion would be obvious on the basis of its suitability for the intended use. Applicants respectfully disagree and note that the Official Action has not stated what intended use is being considered and why silicone rubber would be suitable for that intended use.

One of skill would not modify GACKA, intended to provide a spray of powder material to be of silicone rubber as this would not be suitable for the intended use of GACKA.

Neither the anticipation, nor the obviousness rejections, are viable. These rejections should be withdrawn and the claims allowed.

In view of the above, reconsideration and allowance of all the pending claims are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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Appendix:

The Appendix includes the following item:

- an English-language translation of Swedish priority Application No. 0002761-5, filed July 5, 2000